

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	Civil Action No. 05-10112 JLT
)	
v.)	
)	
THE COMMONWEALTH OF)	
MASSACHUSETTS, <i>et al.</i>)	
)	
)	
Defendants.)	
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STIPULATION OF PARTIAL DISMISSAL WITHOUT PREJUDICE

The parties, by and through their undersigned counsel, stipulate to the dismissal, without prejudice, of the plaintiff's and intervenor-plaintiffs' claims only insofar as they seek injunctive and declaratory relief against operation of M.G.L. c. 21 § 50C(d) (concerning a financial assurance bond requirement for certain vessels). This stipulation is not intended to, and does not, have any effect on plaintiff's and intervenor-plaintiffs' other claims in this litigation, including their pending claims on remand from the U.S. Court of Appeals for the First Circuit concerning M.G.L. c. 21M, § 6(a) & (b) (setting tugboat escort requirements for certain vessels) and M.G.L. c. 21M, § 4(a) & (b) (setting manning requirements for certain vessels). See United States v. Massachusetts, 493 F.3d 1 (1st Cir. 2007). This stipulation therefore is not intended to, and does not, effect dismissal of the entire action.

Respectfully submitted this 28th day of November, 2007,

Plaintiff,
the United States of America

By:

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Intervenor-Plaintiffs,
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